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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/632,804	08/04/2003	Masamichi Yano	990076C	5550
38834	7590	05/10/2004	EXAMINER	
WESTERMAN, HATTORI, DANIELS & ADRIAN, LLP 1250 CONNECTICUT AVENUE, NW SUITE 700 WASHINGTON, DC 20036			ALI, MOHAMMAD M	
ART UNIT		PAPER NUMBER		
		3744		

DATE MAILED: 05/10/2004

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary	Application No.	Applicant(s)
	10/632,804	YANO ET AL.
	Examiner	Art Unit
	Mohammad Ali	3744

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --
Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) Responsive to communication(s) filed on 06 August 2004.
- 2a) This action is FINAL. 2b) This action is non-final.
- 3) Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) Claim(s) 2,3 and 5 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) Claim(s) _____ is/are allowed.
- 6) Claim(s) 2,3 and 5 is/are rejected.
- 7) Claim(s) _____ is/are objected to.
- 8) Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) The specification is objected to by the Examiner.
- 10) The drawing(s) filed on _____ is/are: a) accepted or b) objected to by the Examiner.
 Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
 Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) All b) Some * c) None of:
 1. Certified copies of the priority documents have been received.
 2. Certified copies of the priority documents have been received in Application No. _____.
 3. Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- 1) Notice of References Cited (PTO-892)
- 2) Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
 Paper No(s)/Mail Date _____
- 4) Interview Summary (PTO-413)
 Paper No(s)/Mail Date. _____
- 5) Notice of Informal Patent Application (PTO-152)
- 6) Other: _____

Claim Rejections - 35 USC § 102

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

Claims 2, 3 and 5 are rejected under 35 U.S.C. 102(b) as being anticipated by Orth (3,810,366). Orth discloses an expansion valve comprising a prismatic valve body 12, a valve means 16 for adjusting the flow rate of a refrigerant to be transmitted to an evaporator coil E, and a power element portion driving the valve means 16 according to the temperature of the refrigerant transmitted from the evaporator E to a compressor C, wherein the valve body 12 comprises a prismatic projection and formed integrally to the side surface of the valve body 12. See Fig.3, 6 and 7 and column 3, line 67 – column 4, line 2.

Response to Arguments

Applicant's arguments filed 08/06/04 have been fully considered but they are not persuasive. The Examiner argued, "However, the Examiner appears to be mischaracterizing the teachings of Orth. More specifically, valve body 12 is not a prismatic valve body. That is, as shown in Fig. 6 of Orth, the valve body 12 does not have a prismatic shape where the two cap screws 100, 100 pass through the body 12 or in the area surrounding port 38. In addition, the fitting 106 fails to constitute a prismatic projection formed integrally with the side surface of the valve body 12, since it also does not have a prismatic shape, i.e., in the area surrounding port 38.

As such, it is clear that expansion valve comprising a prismatic valve body, a valve means for adjusting the flow rate of a refrigerant to be transmitted to an evaporator, and a power element portion for driving said valve means according to the

temperature of said refrigerant transmitted from said evaporator to a compressor, wherein said valve body comprises a prismatic projection formed integrally to Orth fails to disclose the features of claim 2 concerning an the side surface of said valve body. Moreover, it is submitted that Orth also fails to disclose the features of newly added claim 5, for at least the reasons set forth with regard to claim 2, since claim 5 is directed to a similar embodiment as that of claim 2." The examiner disagrees. The two cylindrical protruding portions of screw holes for crews 100 and the solid cylinder of port 38 being projected from the valve body 12 and cylindrical are also prismatic in shape as the prism can be of cylindrical shape. To remove confusion as regard to cylindrical prism, The Applicant is requested to see the item 6 and column 1, lines 52 for a valve component of Schmidt (3,799,037). The new claim 5 does not neither prismatic body nor prismatic projection from the valve body. The protruding portions of the screw holes of crews 100 clearly anticipate claim 5. Therefore, the rejection is proper.

Applicant's amendment necessitated the new ground(s) of rejection presented in this Office action. Accordingly, **THIS ACTION IS MADE FINAL**. See MPEP § 706.07(a). Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any

extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the date of this final action.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Mohammad Ali whose telephone number is 703-308-5032. The examiner can normally be reached on Monday to Friday.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Esquivel Denise can be reached on 703-308-2597. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

Mohammad M. Ali
Mohammad M. Ali
October 1, 2004

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GROUP 3400